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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PATRIA L. NOBLEZA, JEROME F.
HARBINSON, AND JOHN D. BURNS,

Plaintiffs,

v.

MACY'S, INC., MACY'S INC. PENSION
AND PROFIT SHARING
ADMINISTRATIVE COMMITTEE, THE
MACY'S INC. BOARD OF DIRECTORS,
KAREN M. HOGUET, DAVID W. CLARK,
STEPHEN J. O'BRYAN, ROBERT G.
ZIMMER, TERRY J. LUNDGREN, MEYER
FELDBERG, SARA LEVINSON, JOSEPH
NEUBAUER, JOSEPH A. PICHLER, JOYCE
M. ROCHE, KARL M. VON DER HEYDEN,
CRAIG E. WEATHERUP, MARNA C.
WHITTINGTON, WILLIAM STIRITZ, DOE
DIRECTOR DEFENDANTS NUMBER 1-25,
DOE COMMITTEE DEFENDANTS
NUMBER 1-25,

Defendants.

Case No. C 10-02064 RMW

**STIPULATION AND
ORDER REGARDING DEADLINES
FOR DEFENDANTS' MOTION TO
DISMISS THE AMENDED
COMPLAINT, OPPOSITION, AND
REPLY**

Date: November 5, 2010
Time: 9:00 a.m.
Courtroom: 6
Judge: Hon. Ronald M. Whyte

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2 In light of the Amended Complaint filed on August 9, 2010, the parties have conferred
3 and stipulate to the following:

4 1. Defendants will file their motion to dismiss on September 3, 2010.

5 2. When Defendants file their motion, they will set the motion for hearing on
6 November 5, 2010 at 9:00 am.

7 3. Because this hearing date allows for more than 35 days between the motion and
8 the hearing, the Parties have agreed to a briefing schedule different from that required by Local
9 Rule 7-3.

10 4. Plaintiffs will file their opposition to the motion to dismiss no later than October 4,
11 2010.

12 5. Defendants will file their reply in support of the motion to dismiss no later than
13 October 22, 2010.

14 Date: August 17, 2010

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18 /S/ John M. Newman, Jr.
19 John M. Newman, Jr.
20 Counsel for Defendants

21 /S/
22 J. Brian McTigue
23 Counsel for Plaintiffs

24 PURSUANT TO STIPULATION, IT IS SO ORDERED:

25 *Ronald M. Whyte*
26 Honorable Ronald M. Whyte

27 8/17/10
28 Date